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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Applicant Donald Bruce McDugle ) Art Unit: 3617  
:  
Serial 10/726,465 ) Examiner  
No. :  
Filed: December 02, 2003 ) Cust. No. 22931  
For: BOAT THRUSTER ) Attorney  
APPARATUS AND ) Ref. No.: P114519  
METHOD

MAIL STOP Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Certificate of Mailing (37 CFR 1.8a)

I hereby certify that this document (along with any document referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on date shown below.

July 6, 2004  
Date

  
Carole Petralli


Sir or Madam,

Enclosed for filing in connection with the above application are the following documents:

- a) a Petition by Mr. Donald Bruce McDugle that the Declaration and Power of Attorney form be accepted by the U.S. Patent and Trademark Office as being signed by Mr. Donald Bruce McDugle on his own behalf and also on behalf of his co-inventor Mr. Kevin Pattison along with a check in the amount of \$130.00 in payment of the petition fee;
- b) the Declaration of Mr. Graeme Wilson, President and Chief Executive Officer of Cap Sante Marine Ltd., presenting the facts that establish that Mr. Kevin Pattison has refused to sign the Declaration and Power of Attorney form in the above application,

and he has no expectation that under the existing circumstances that Mr. Kevin Pattison will sign such a Declaration and Power of Attorney form;

- c) a further Declaration by Mr. Donald Bruce McDugle, one of the co-inventors, that Mr. Kevin Pattison, his co-inventor, does not intend, at least in the present and near future, to sign a Declaration and Power of Attorney form relating to the above noted patent application;
- d) a copy of a transmittal form with the Declaration and Power of Attorney in the above application being attached, this being signed by one of the co-inventors, Mr. Donald Bruce McDugle, on behalf of himself and a non-signing co-inventor, Mr. Kevin Pattison.
- e) Signed at Bellingham, County of Whatcom, State of Washington, on this July 6, 2004.

  
Robert B. Hughes, Reg. No. 19,304  
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**PETITION**

**Petition by one joint inventor that the U.S. Patent and Trademark Office accept the Declaration and Power of Attorney form signed by said one co-inventor on behalf of himself and the other co-inventor.**

I, Donald Bruce McDugle, having a home address of 1319 15<sup>th</sup> Street, Anacortes, Washington 98221 and being one of the co-inventors in the above noted patent application, hereby present the Declaration and Power of Attorney form signed by myself as a co-inventor and also in behalf of the other co-inventor, Mr. Kevin Pattison, this petition being made for the reason that Mr. Kevin Pattison has refused to sign the Declaration and Power of Attorney form. The relevant events are as follows:

1. On December 6, 2002, a U.S. Provisional Patent Application was filed by Mr. Robert B. Hughes of the Hughes Law Firm for, Boat Thruster Apparatus and Method, naming both myself and Mr. Kevin Pattison as co-inventors. At that time both Mr. Kevin Pattison and myself were both employees of Cap Sante Marine Ltd. There had been conversations and negotiations by Mr. Kevin Pattison and myself with Mr. Graeme Wilson,

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the President and Chief Executive Officer of Cap Sante Marine Ltd. about making an arrangement with Cap Sante Marine Ltd. whereby Cap Sante Marine Ltd. would be manufacturing and selling these thrusters which are the subject matter of the Provisional Application, with certain payments made to Cap Sante Marine Ltd., and also to the inventors, namely myself and Mr. Kevin Pattison.

2. On January 10, 2003, an Agreement was signed by Mr. Kevin Pattison, myself, and also by Mr. Graeme Wilson, on behalf of Cap Sante Marine Ltd., where the rights in the invention were assigned to Cap Sante Marine Ltd., and certain payments were to be made to the two inventors (myself and Mr. Kevin Pattison) and also to Cap Sante Marine Ltd.
3. On September 3, 2003, the employment of Mr. Kevin Pattison by Cap Sante Marine Ltd. was terminated. I remained as a Cap Sante Marine Ltd. employee and I am still employed by Cap Sante Marine Ltd.
4. On December 2, 2003 a Patent Application was filed by Mr. Robert B. Hughes, based upon the above noted Non-Provisional Application, naming both myself and Mr. Kevin Pattison as co-inventors, this being the above captioned Non-Provisional Patent Application.
5. On January 15, 2004, Mr. Kevin Pattison and I met with Mr. Graeme Wilson at Mr. Wilson's office so that we could sign the necessary Declaration and Power of Attorney forms and also the Assignment forms in the above noted Non-Provisional Patent Application. Mr. Kevin Pattison refused to sign any of these documents and indicated that he would take them to his attorney.
6. Subsequent to January 15, 2004, I had several conversations with Mr. Kevin Pattison and he has indicated that I made mistake in signing these

documents and that he was not going to sign them. He also indicated he believed that under that agreement Cap Sante Marine Ltd. would not give any money to the inventors.

7. I have a different view on the matter of the Agreement with Cap Sante Marine Ltd., in that there is that it is a valid Assignment Agreement and that I wish to have Cap Sante Marine Ltd. proceed with my cooperation in making the venture successful. Accordingly, it is necessary to have the Patent Application in proper order and ready to be examined by the U.S. Patent and Trademark Office. Further, I am totally convinced that unless some rather extraordinary events occur Mr. Kevin Pattison will not sign a Declaration and Power of Attorney form or any other forms relating to the above noted patent application.
8. Accompanying this Petition is the Declaration of Mr. Graeme Wilson. I have reviewed this Declaration of Mr. Graeme Wilson and to the best of my knowledge all of the statements made by Mr. Graeme Wilson in his Declaration are accurate and true.

I, Donald Bruce McDugle, hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application thereon.

EXECUTED this 2nd day of July, 2004.

  
Donald Bruce McDugle